



# **The hearing – guidance for claimants**

## **Introduction**

This booklet has been specifically written for claims such as yours and explains what happens at a hearing at an Employment Tribunal, how to prepare for it and what can happen afterwards.

Please contact a tribunal office or the Employment Tribunals Public Enquiry Line:  
England and Wales: **0300 123 1024**; Scotland: **0141 354 8574**

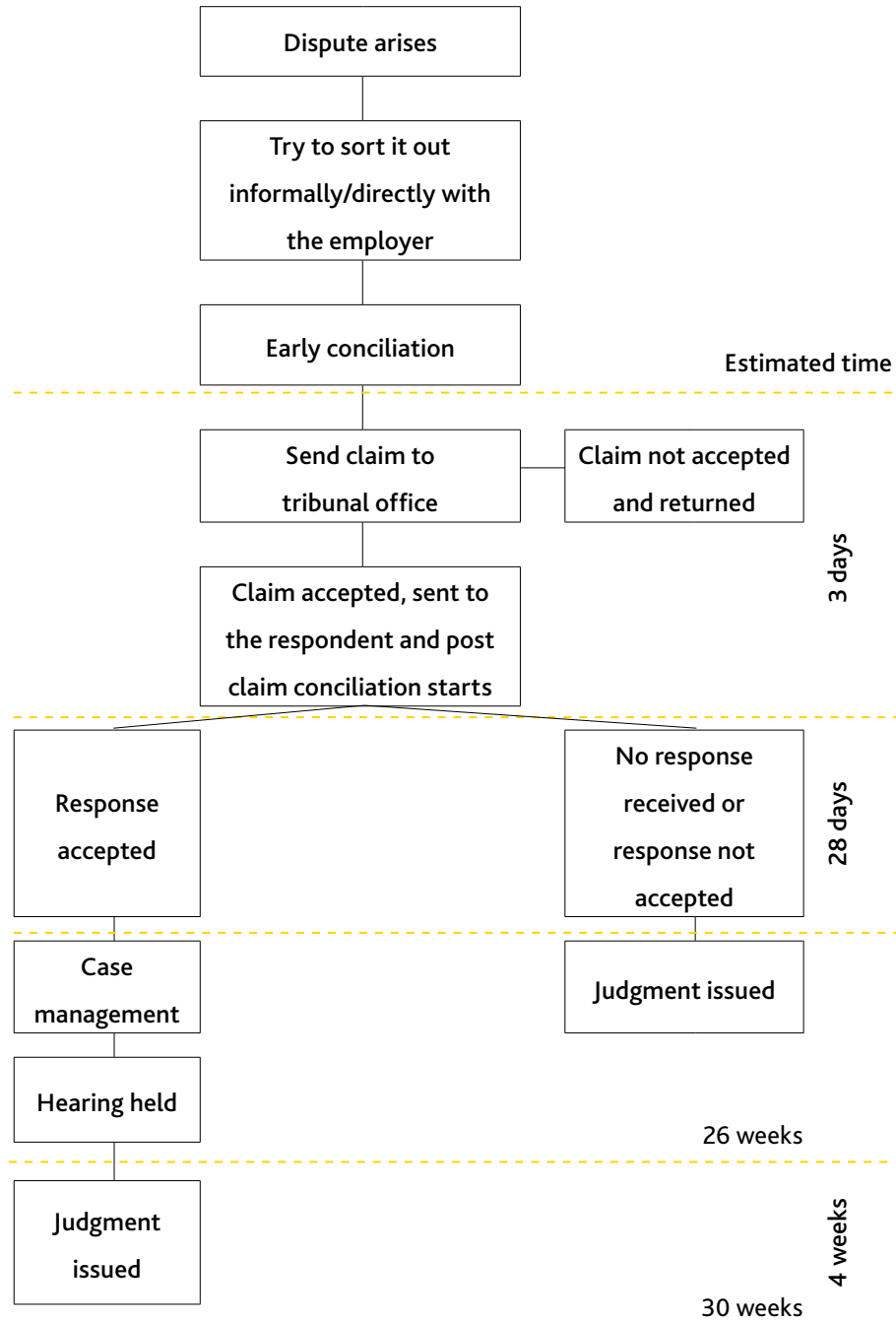
Textphone: **+44 (0)1509 221564** if you would like a copy of this booklet in Braille or large print.

### **Presidential Guidance**

Under the Employment Tribunal Rules the Presidents of the Employment Tribunals in England and Wales and Scotland may issue Presidential Guidance. The aim of that guidance is to improve consistency in the way Employment Tribunals manage cases and enable the parties to better understand what is expected of them and what to expect. It is not binding but should be followed where possible.

The Presidential guidance issued by both Presidents may be found at:  
<https://www.gov.uk/employment-tribunals/legislation>

## Claim process summary



## **What does the tribunal do now it has received my claim?**

We have accepted your claim and given it a case number which you should quote when you contact the tribunal office by phone or in writing.

We have also sent a copy of your claim to the respondent (or respondents if you are claiming against more than one) together with a response form on which they must provide certain information and say whether they do not agree with (resist) your claim and, if so, why.

## **How long does the respondent have to respond to my claim?**

The respondent must complete and return the response form within 28 days of the date that we sent the copy of your claim to them, or longer, if an extension of time is granted by the tribunal. If the respondent does not reply within the time limit or fails to supply the necessary information, their response will not be accepted and the claim is likely to be treated as one to which no defence has been submitted.

In those circumstances an Employment Judge can decide the claim without the need for a hearing although a hearing to determine compensation may sometimes be required.

## **Acas's role**

In most cases we will send a copy of your claim form and the respondent's response form to Acas, (Advisory, Conciliation and Arbitration Service) an independent, impartial organisation. An Acas conciliator will contact you and try to help you to reach a settlement without the need to go to a tribunal. This step is required by law even though you have already been through early conciliation. There is no charge for this service and all discussions with Acas are confidential.

## **The hearing**

You will find the date, time and place of the hearing, and the estimated time it will take on the letter which came with this booklet. Please contact the tribunal office if you are not sure about where and when the hearing is to be held. Make sure that you arrive at the hearing centre at least 30 minutes before the hearing is due to start, making allowances for possible travel delays. You may find that on arrival you are asked to wait until the tribunal completes other hearings.

## **Can I ask for the hearing to be postponed?**

If you have a good reason to ask for the hearing to be postponed, you must make your request in writing as soon as possible giving full reasons for your request. You should also send a copy of your request to the respondent so that they are aware of it.

An Employment Judge will decide whether it is in the interests of justice to grant a postponement and they may want the views of the respondent before reaching

a decision. You should not assume that your request has been granted. We will inform you if it has. If you or the respondent (or somebody else acting for you or the respondent) fail to appear at a hearing, the tribunal may decide the case in your or their absence.

## **Preliminary Issues**

You will be notified if there are any preliminary issues which the tribunal will need to decide, for example whether your claim has been submitted to the tribunal within the required time limit. Where such issues arise they will be dealt with at the hearing and you should be prepared to give evidence about them.

## **Preparing for a hearing**

It can be useful to watch a hearing at a tribunal so you understand the procedure and what happens. You can do this by contacting any tribunal office and asking if there is a suitable hearing for you to observe.

## **What documents are necessary for the hearing?**

You may have documents (e.g. your pay slips) which support your case and want to put them before the tribunal as evidence. If you do, you must make sure the respondent has reasonable notice of your intention (at least seven days before the hearing).

## **What will happen at the hearing?**

The tribunal will decide whether your claim succeeds or fails and if it succeeds what should be awarded to you.

It is usual in claims such as yours for the Employment Judge to sit alone and for cases to be allocated a hearing of one hour. If you think it should be heard by a full tribunal, please inform the tribunal in writing, giving your reasons. The Employment Judge will make sure that you take the steps described below in a calm and measured way. However, he or she may have to be firm in moving the case on to ensure that it proceeds at a pace which enables it to be dealt with within the time set aside.

You will normally give evidence and call any witnesses first. However, there is no absolute rule as to which side starts. You and your witnesses will have to give evidence on oath or affirmation. If you lie after swearing an oath or affirmation you could be convicted of perjury. In England and Wales you may give evidence by reading a prepared written statement if you want.

The respondent or their representative can then ask you or your witness questions (this is called 'cross examination'). Finally, the Employment Judge may ask some questions. The same procedure is then usually followed in respect of the other witnesses and then with the respondent. Once all the evidence has been heard, the Employment Judge will usually announce the judgment and give reasons for it.

## What happens next?

Wherever possible you or your representative will be given a copy of the tribunal's judgment on the day of the hearing. If this is not possible you or your representative will be sent a copy of the written judgment as soon as possible after the hearing. You must abide by the Employment Tribunal judgment as it is legally binding.

Written reasons for the judgment will also be given if you ask for them at the hearing or make a written request within 14 days of the date that the judgment was sent to you.

## What should I do if my case settles or I wish to withdraw my claim?

You should let us know immediately if your case settles before the hearing. The conciliation officer will let us know if your case is settled through Acas. You must write to us if you want to withdraw either all or part of your claim. You must also tell the respondent that you are withdrawing your claim. You must do this as soon as possible.

If your claim settles through Acas the claim will be removed from the list for hearing (if listed) and the case file will be destroyed in accordance with our destruction policy 12 months from the date of settlement.

## Can I claim expenses?

No expenses or allowances are payable to parties, witnesses and volunteer representatives (other than where the person attending the hearing has been called by the tribunal to give medical evidence) for attending an employment tribunal hearing of any type if the hearing relates to a claim made to an employment tribunal on, or after, 6 April 2012. Where a witness is being called to give medical evidence the party must seek prior authorisation of the expense from the tribunal administration.

If the claim was made on, or before 5 April 2012, then you, your witnesses and volunteer representatives (for example, unpaid representatives from a citizens' advice bureau) may be entitled to travelling costs and other allowances when going to a tribunal hearing. You can download a copy of the guidance leaflet 'Expenses and allowances payable to parties and witnesses attending an Employment Tribunal', to see what you are entitled to. You can also get this from the Public Enquiry Line England and Wales: **0300 123 1024**; Scotland: **0141 354 8574** Textphone: **+44 (0)1509 221564** or any tribunal office. We will not pay legal costs.

## Disability or special needs

If you or anyone coming to a tribunal with you has a disability or a particular need, you should contact the tribunal office dealing with your case to discuss the matter. Examples of the help we can provide include converting documents to Braille or larger print, and paying for foreign – or sign language interpreters. We can also provide hearing-induction loops in the room where the hearing is held if you need them. Please contact us as soon as possible so that suitable arrangements can be made.

## Further information

Further information can be found on the following link;  
[www.gov.uk/courts-tribunals/employment-tribunal](http://www.gov.uk/courts-tribunals/employment-tribunal)

## Standards of service

If you are unhappy with our service, please contact any tribunal office or Public Enquiry Line for a copy of our leaflet **EX343 - Unhappy with our service - what can you do?** This explains our complaints procedure.

Public Enquiry Line: England and Wales: **0300 123 1024**; Scotland: **0141 354 8574**  
Textphone: **+44 (0)1509 221564**

## Employment tribunal offices

<b>Aberdeen</b>	Mezzanine Floor, Atholl House, 84-88 Guild Street, Aberdeen AB11 6LT	<b>t.</b> 01224 593137 <b>e.</b> aberdeenet@hmcts.gsi.gov.uk
<b>Bristol</b>	Bristol Civil and Family Justice Centre, 2 Redcliff Street, Bristol BS1 6GR	<b>t.</b> 0117 929 8261 <b>e.</b> brisiolet@hmcts.gsi.gov.uk
<b>Cardiff</b>	2nd Floor, Caradog House, 1-6 St Andrews Place, Cardiff CF10 3BE	<b>t.</b> 029 2067 8100 <b>e.</b> cardiffet@hmcts.gsi.gov.uk
<b>Dundee</b>	Ground Floor, Block C, Caledonian House, Greenmarket, Dundee DD1 4QB	<b>t.</b> 01382 221578 <b>e.</b> dundeeet@hmcts.gsi.gov.uk
<b>East London</b>	2nd Floor, Anchorage House, 2 Clove Crescent, London E14 2BE	<b>t.</b> 020 7538 6161 <b>e.</b> eastlondon@hmcts.gsi.gov.uk
<b>Edinburgh</b>	54-56 Melville Street, Edinburgh EH3 7HF	<b>t.</b> 0131 226 5584 <b>e.</b> edinburghet@hmcts.gsi.gov.uk
<b>Glasgow</b>	Eagle Building, 215 Bothwell Street, Glasgow G2 7TS	<b>t.</b> 0141 204 0730 <b>e.</b> glasgowet@hmcts.gsi.gov.uk
<b>Huntingdon</b>	Huntingdon Law Courts, Walden Road, Huntingdon PE29 3DW	<b>t.</b> 01480 415600 <b>e.</b> huntingdonet@hmcts.gsi.gov.uk
<b>Leeds</b>	4th Floor, City Exchange, 11 Albion Street, Leeds LS1 5ES	<b>t.</b> 0113 245 9741 <b>e.</b> leedset@hmcts.gsi.gov.uk
<b>London Central</b>	Victory House, 30-34 Kingsway, London WC2B 6EX	<b>t.</b> 020 7273 8603 <b>e.</b> londoncentralet@hmcts.gsi.gov.uk
<b>London South</b>	Montague Court, 101 London Road, West Croydon CR0 2RF	<b>t.</b> 020 8667 9131 <b>e.</b> londonsouthet@hmcts.gsi.gov.uk
<b>Manchester</b>	Alexandra House, 14-22 The Parsonage, Manchester M3 2JA	<b>t.</b> 0161 833 6100 <b>e.</b> manchesteret@hmcts.gsi.gov.uk
<b>Midlands (East)</b>	Nottingham Justice Centre, Carrington Street, Nottingham NG2 1EE	<b>t.</b> 0115 947 5701 <b>e.</b> midlandseastet@hmcts.gsi.gov.uk
<b>Midlands (West)</b>	Centre City Tower, 7 Hill Street, Birmingham B5 4UU	<b>t.</b> 0121 600 7780 <b>e.</b> midlandswestet@hmcts.gsi.gov.uk
<b>Newcastle</b>	Kings Court, Earl Grey Way, Royal Quays, North Shields, Tyne & Wear NE29 6AR	<b>t.</b> 0191 260 6900 <b>e.</b> newcastleet@hmcts.gsi.gov.uk
<b>Watford</b>	3rd Floor, Radius House, 51 Clarendon Rd, Watford WD17 1HP	<b>t.</b> 01923 281 750 <b>e.</b> watfordet@hmcts.gsi.gov.uk

Our offices are open from 9.00am to 5.00pm Monday to Friday.

We will direct you to a map showing the location of the office where the hearing has been arranged and giving details of local car parking and facilities for refreshments and phones.

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